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Attorneys for Plaintiffs and Counterclaim Defendants
LAGREE TECHNOLOGIES, INC., LAGREE FITNESS, INC.,
MAXIMUM FITNESS INCORPORATED, SEBASTIEN LAGREE and SPX FITNESS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAGREE TECHNOLOGIES, INC.,
LAGREE FITNESS, INC., MAXIMUM
FITNESS INCORPORATED, AND
SEBASTIEN LAGREE,

Plaintiffs,

v.

SPARTACUS 20TH L.P., SPARTACUS
20TH G.P., INC., PHILIP R. PALUMBO,
JAKOB IRION, BODYROK
FRANCHISE, L.P., BODYROK
FRANCHISE G.P., INC., EXERCISE
TECHNOLOGIES, L.P., BODYROK
MARINA, LP., SCULPT FITNESS
BERKELEY, LLC, AND DOES 1
THROUGH 10, INCLUSIVE,

Defendants.

CASE NO.: 3:17-CV-00795-JST

**PARTIES' STIPULATION TO EXTEND
TIME FOR FINAL DISPOSITION UNDER
PARAGRAPH 15 OF THE GOVERNING
PATENT LOCAL RULE 2-2 INTERIM
MODEL PROTECTIVE ORDER AND
[PROPOSED] ORDER**

SPARTACUS 20TH L.P., SPARTACUS
20TH G.P., INC., PHILIP R. PALUMBO,
JAKOB IRION, BODYROK
FRANCHISE, L.P., BODYROK
FRANCHISE G.P., INC., EXERCISE
TECHNOLOGIES, L.P., BODYROK
MARINA, L.P., SCULPT FITNESS
BERKELEY, LLC, AND SPARTACUS
LOMBARD, L.P.,

Counterclaim Plaintiffs,

v.

LAGREE TECHNOLOGIES, INC.,
LAGREE FITNESS, INC., MAXIMUM
FITNESS INCORPORATED, AND
SEBASTIEN LAGREE, SPX FITNESS,
INC., AND ROES 1-10, INCLUSIVE

Counterclaim Defendants.

TO THE HONORABLE JON S. TIGAR AND THE CLERK OF THE COURT:

Pursuant to Rule 6-1(b) of the Civil Local Rules (L.R.), Plaintiffs and Counterclaim Defendants LAGREE TECHNOLOGIES, INC., LAGREE FITNESS, INC., MAXIMUM FITNESS INCORPORATED, SEBASTIEN LAGREE, and SPX FITNESS, INC. (“Plaintiffs”), and Defendants and Counterclaim Plaintiffs SPARTACUS 20TH L.P., SPARTACUS 20TH G.P., INC., PHILIP P. PALUMBO, JAKOB IRION, BODYROK FRANCHISE, L.P., BODYROK FRANCHISE G.P., INC., EXERCISE TECHNOLOGIES, L.P., BODYROK MARINA, L.P., SCULPT FITNESS BERKELEY, LLC, and SPARTACUS LOMBARD, L.P. (“Defendants”) (hereinafter collectively the “Parties”), stipulate as follows:

WHEREAS, an Order granting the Parties’ Stipulation of Dismissal was entered on January 12, 2018. (D.N. 147.)

WHEREAS, according to paragraph 15 of the governing Patent Local Rule 2-2 Interim Model Protective Order (“Protective Order”), “[w]ithin 60 days after [entry of the Order granting

the Parties' Stipulation of Dismissal], each Receiving Party must return all Protected Material to the Producing Party or destroy such material." (*See* Protective Order, generally)

WHEREAS, the current deadline under paragraph 15 of the Protective Order is therefore March 13, 2018.

WHEREAS, the Parties have been and are presently in discussions over the preservation and disposition of certain materials, including electronic devices and ESI, that were produced by a third party individual, Ronald A. Shafii ("Shafii"), subject to a subpoena on third party Fitness Armada, Inc (collectively referred to herein as "Shafii Documents").

WHEREAS, relevant to the preservation and disposition of the Shafii Documents, Defendants have received litigation hold letters regarding these specific Shafii Documents from more than one third-party.

WHEREAS, the Parties are also in discussions with Shafii regarding the Shafii Documents.

WHEREAS, the Parties require additional time to continue their efforts to reach an agreement over the preservation and disposition of such materials.

WHEREAS, based on the foregoing, the Parties have stipulated to a forty-five (45) day extension of time to comply with paragraph 15 of the Protective Order, which extends the deadline from March 13, 2018, to Friday, April 27, 2018.

WHEREAS, prior to the dismissal of the case, the Parties have stipulated to two previous time modifications for Plaintiffs to file their reply to the Motion to Dismiss. (Dkt. No. 85 and 96.)

WHEREAS, Plaintiffs were also granted one additional modification for Plaintiffs to file their reply to the Motion to Dismiss. (Dkt. No. 94.)

WHEREAS, the Parties have stipulated to one previous time modification for Defendants to seek leave to file a sur-reply to the Motion to Dismiss. (Dkt. No. 114.)

WHEREAS, the Parties have stipulated to four previous time modifications in connection with responses to the Parties' respective pleadings on April 11, 2017 (Dkt. No. 35), May 18, 2017 (Dkt. No. 51), June 14, 2017 (Dkt. No. 68), and July 20, 2017 (Dkt. No. 82).

WHEREAS, this stipulation will not alter the date of any other event or any deadline already fixed by Court order, as this case has been dismissed.

NOW, THEREFORE, the Parties, by and through their respective counsel, hereby stipulate and agree that the deadline for final disposition of Protected Material under the Protective Order shall be April 27, 2018.

Dated: March 9, 2018

NEUSTEL LAW OFFICES, LTD

/s/ Chad E. Ziegler

Chad E. Ziegler (*Pro Hac Vice*)

Edward K. Runyan (*Pro Hac Vice*)

Michelle G. Breit (Bar No. 133143)

Attorneys for Plaintiffs and Counter-defendants, LAGREE TECHNOLOGIES, INC., LAGREE FITNESS, INC., MAXIMUM FITNESS INCORPORATED, SEBASTIEN LAGREE, and SPX FITNESS, INC.

Dated: March 9, 2018

GORDON REES SCULLY

MANSUKHANI, LLP

/s/ Michael D. Kanach


Michael D. Kanach (SBN: 271215)

Kevin W. Alexander (SBN: 175204)

Attorneys for Defendants and Counter-plaintiffs, SPARTACUS 20TH L.P., SPARTACUS 20TH G.P., INC., PHILIP R. PALUMBO, JAKOB IRION, BODYROK FRANCHISE, L.P., BODYROK FRANCHISE, G.P., INC., EXERCISE TECHNOLOGIES, L.P., BODYROK MARINA, LP. SCULPT FITNESS BERKELEY, LLC, and SPARTACUS LOMBARD, L.P.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 12, 2018


UNITED STATES DISTRICT JUDGE
Honorable Jon. S. Tigar

FILER'S ATTESTATION

I, Chad E. Ziegler, am an ECF user whose ID and password are being used to file this CIVIL L.R. 6-1(b) PARTIES' STIPULATION TO EXTEND TIME FOR FINAL DISPOSITION UNDER PARAGRAPH 15 OF THE GOVERNING PATENT LOCAL RULE 2-2 INTERIM MODEL PROTECTIVE ORDER AND [PROPOSED ORDER]. Plaintiffs' counsel obtained Defendants' counsel's authority prior to the filing of this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that counsel for the Defendants concur in this filing.

/s/ Chad E. Ziegler
Chad E. Ziegler